

Message Text

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17-13

ORIGIN L-03

INFO OCT-01 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-11 RSC-01

ACDA-19 AID-20 CIAE-00 COME-00 EB-11 FRB-02 INR-10

NSAE-00 TRSE-00 XMB-07 OPIC-12 SPC-03 CIEP-02 LAB-06

SIL-01 OMB-01 DODE-00 PM-07 H-03 NSC-10 PA-04 PRS-01

SS-20 USIA-15 SAM-01 IGA-02 GSA-02 ABF-01 FS-01 IO-14

AGR-20 MC-02 /275 R

DRAFTED BY L/EA:EGVERVILLE:LMS

APPROVED BY L:GHALDRICH

L/PM:JMICHEL

EA:MSTEARNS

ARA:WBOWDLER

NEA:RCHASE

EUR:JREND AHL

AID:CGLADSON

AF:CGROSS

----- 005188

R 121756Z FEB 74

FM SECSTATE WASHDC

TO ALL DIPLOMATIC POSTS

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E.O. 11652: N/A

TAGS: EAID

SUBJ: SECTION 620(N) OF THE FOREIGN ASSISTANCE ACT

1. DESPITE THE CONCLUSION OF THE AGREEMENT ON ENDING THE
WAR AND RESTORING THE PEACE IN VIETNAM MORE THAN A YEAR AGO,
MAJOR PRG-NORTH VIETNAMESE VIOLATIONS CONTINUE, AND NORTH
VIETNAMESE SUPPORT FOR HOSTILITIES CANNOT BE SAID TO HAVE
CEASED. FOR THIS REASON, SECTION 620(N) OF THE FOREIGN
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ASSISTANCE ACT CONTINUES TO BE APPLICABLE, PROHIBITING THE

FURNISHING OF ASSISTANCE BY THE U.S. UNDER THE FOREIGN ASSISTANCE ACT OR ANY OTHER ACT AND THE MAKING OF SALES UNDER PL 480 TO ANY COUNTRY WHICH PROVIDES "EQUIPMENT, MATERIALS OR COMMODITIES" TO NORTH VIETNAM OR WHICH PERMITS SHIPS OR AIRCRAFT UNDER ITS REGISTRY TO TRANSPORT THE SAME TO NORTH VIETNAM.

2. SINCE THE DEPT. CONTINUES TO RECEIVE INQUIRIES CONCERNING THIS SECTION, WE BELIEVE IT WOULD BE PRUDENT TO DRAW ITS CONTINUED APPLICABILITY TO THE ATTENTION OF APPROPRIATE OFFICIALS IN ALL COUNTRIES RECEIVING LOANS, CREDITS, GUARANTIES, PL 480 SALES OR OTHER USG ASSISTANCE. POSTS MAY EXPLAIN IF THEY THINK IT HELPFUL THAT PURPOSE OF OUR DEMARCHE IS NOT TO ATTEMPT TO DICTATE ASSISTANCE OR TRADE POLICIES OF OTHER GOVERNMENTS, BUT TO POINT OUT POTENTIAL APPLICABILITY OF PROVISION OF UNITED STATES LAW AND TO EXPRESS HOPE THAT ANY AID RECIPIENT WHICH MAY BE

CONTEMPLATING ACTIVITIES REFERRED TO IN SECTION 620(N) WITH NORTH VIETNAM MAY BE ABLE TO FIND SOME ALTERNATIVE TO SUCH ACTIVITIES WHICH WOULD AVOID A PROBLEM UNDER OUR LAW.

3. FULL TEXT OF SECTION 620(N) IS AS FOLLOWS: "NO LOANS, CREDITS, GUARANTIES, OR GRANTS OR OTHER ASSISTANCE SHALL BE FURNISHED UNDER THIS OR ANY OTHER ACT, AND NO SALES SHALL BE MADE UNDER THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, TO ANY COUNTRY WHICH SELLS OR FURNISHES TO NORTH VIETNAM, ANY EQUIPMENT, MATERIALS, OR COMMODITIES, SO LONG AS THE REGIME IN NORTH VIETNAM GIVES SUPPORT TO HOSTILITIES IN SOUTH VIETNAM."

4. DEPT WOULD APPRECIATE REPORT OF ANY POTENTIAL PROBLEM UNDER SECTION 620(N) WHICH MAY COME TO LIGHT AS A RESULT OF ABOVE DEMARCHE. KISSINGER

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